IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

MACA.No. 1873 of 2007

OPMV.466/2002 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MANJERI
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APPELLANT/PETITIONER:

G. MURALEEDHARAN, S/O. GOPALAN NAIR,
'KARTHIKA', WANDOOR AMSOM, AMBALAPADI, WANDOOR,
MALAPPURAM DISTRICT.

BY ADV. SRI.SAJU.S.A

RESPONDENTS: RESPONDENTS:
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1. SUDHEER BABU, S/O. UMMER,
KATTUMUNDA HOUSE, MAMPAD, POOVATHUKUNNU P.O.,
NADUVATH, WANDOOR.

2. NEW INDIA ASSURANCE COMPANY LIMITED,
BRANCH OFFICE, CATHOLIC CENTRE, UPHILL,
MALAPPURAM P.O.

3. P. KAMALAVATHI AMMA, W/O.K.P.VELAYUDHAN,
'ASWATHY', PALLANJERI, KOTTAPADAM, CHUNGATHARA P.O

4. P. ZINDU, D/O. K.P.VELAYUDHAN,
-DO- -DO-.

5. SANTHIYA, D/O. K.P. VELAYUDHAN,
-DO- -DO-.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.A.C.A.No.1873 OF 2007

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Dated this the 24th day of October, 2007

JUDGMENT

Radhakrishnan, J

The appellant is the petitioner in O.P.(MV)466/02 on the file of the Motor Accidents Claims Tribunal, Manjeri. The question is whether the compensation awarded by the Tribunal is just and proper. Learned counsel appearing for the appellant submits that the appellant was an employee in the Regional Transport Office, Kannur and his monthly income was Rs.10,266/-. But it was not properly proved by any oral or documentary evidence. Therefore, Tribunal has taken only notional income as Rs.15,000/-. Ext.X1 is the disability certificate which shows 18% disability. Tribunal awarded a total compensation of Rs.1,57,046/-. In the above facts and circumstances, we are of the view that the Tribunal has awarded just and reasonable amounts in all the heads. In the absence of proper evidence, claimant has no right to claim enhanced compensation. This appeal is closed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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